



WILLIAM T FUJIOKA
Chief Executive Officer

County of Los Angeles CHIEF EXECUTIVE OFFICE

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December 20, 2011

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Dear Supervisors:

**REQUEST APPROVAL OF THE COUNTY OF LOS ANGELES AND
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES
OPTIONAL AMNESTY PROGRAM
(ALL DISTRICTS AFFECTED) (3 VOTES)**

SUBJECT

The Chief Executive Office is recommending approval to extend the one-time Infraction Amnesty Program to include misdemeanor violations of the Vehicle Code, known as the Optional Amnesty Program, which shall operate from January 1, 2012 through June 30, 2012.

**IT IS JOINTLY RECOMMENDED WITH THE CHIEF EXECUTIVE OFFICE AND THE
EXECUTIVE OFFICER/CLERK OF THE SUPERIOR COURT OF CALIFORNIA,
COUNTY OF LOS ANGELES THAT YOUR BOARD:**

1. Approve the Memorandum of Understanding between the County of Los Angeles and the Superior Court of California, County of Los Angeles to extend the State's one-time Infraction Amnesty Program to certain misdemeanor violations pursuant to Vehicle Code Section 42008.7. GC Services Limited Partnership will provide revenue enhancement services for the Amnesty Programs to be conducted from January 1, 2012 through June 30, 2012.

Board of Supervisors

GLORIA MOLINA
First District

MARK RIDLEY-THOMAS
Second District

ZEV YAROSLAVSKY
Third District

DON KNABE
Fourth District

MICHAEL D. ANTONOVICH
Fifth District

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PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

Assembly Bill 1358 (Chapter 662, Statutes of 2011) amended Vehicle Code Section 42008.7 and allows the County of Los Angeles (County) and the Superior Court of California, Los Angeles County (Court) to extend the one-time Infraction Amnesty Program to certain misdemeanor violations of the Vehicle Code. Violations under the Optional Amnesty Program are only eligible if all of the following requirements are met:

- The due date for payment of the bail or fine was on or before January 1, 2009.
- The defendant does not owe restitution to a victim on any case within the County.
- There are no outstanding misdemeanors or felony warrants for the defendant within the County.

The purpose of the Optional Amnesty Program is to provide relief to individuals who have found themselves in violation of a court-ordered obligation because they have been unable to pay an infraction or specified misdemeanor bail or fine. The Optional Amnesty Program will be conducted concurrently with the one-time Infraction Amnesty Program from January 1, 2012 through June 30, 2012.

Eligible Vehicle Code misdemeanor violations include, but are not limited to:

- 12500(a), unlicensed driver;
- 14601.1(a), driving on a suspended license;
- 14603, violation of license restriction;
- 23109(a), exhibition of speed (speed contest).

Violations which are excluded from the Optional Amnesty Program are:

- 23103 (reckless driving);
- 23104 (reckless driving causing bodily injury);
- 23105 (reckless driving enhancement with prior conviction for reckless driving in violation of Section 23103);
- 23152 (driving under the influence); or
- 23153 (driving under the influence causing bodily injury to another person);
- Parking Citations

Implementation of Strategic Plan Goals

The Optional Amnesty Program supports the County's Strategic Plan, Goal 1: Operational Effectiveness - Maximize the effectiveness of the County's processes, structure, and operations to support timely delivery of customer-oriented and efficient public services; and Goal 5: Public Safety - Ensure that the committed efforts of the public safety partners continue to maintain and improve the safety and security of the people of Los Angeles County.

FISCAL IMPACT/FINANCING

The Optional Amnesty Program will result in revenue for the County and the Court. The recommended contractor will be compensated with 7.97 percent for collections required under the State's six month one-time Infraction Amnesty Program. The costs of contracting for the collection services are fully offset by the revenues collected and, therefore, there is no impact on net County cost.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

Senate Bill 857 (Chapter 720, Statutes of 2010, Section 38) mandates a one-time Infraction Amnesty Program be conducted from January 1, 2012 through June 30, 2012, for bails and fines meeting certain eligibility requirements. The purpose is to allow courts and counties to resolve older delinquent cases and focus limited resources on collecting on more recent cases. Individuals will be allowed to pay 50 percent of the fine or bail under the one-time Infraction Amnesty Program. Each Amnesty Program implemented by the County/Court must be conducted in accordance with the guidelines established by the Judicial Council.

Assembly Bill 1358 authorizes a county to extend the one-time Infraction Amnesty Program to certain misdemeanor Vehicle Code violations. As written, the mandated Amnesty Program applies only to infractions. In 1996, Vehicle Code misdemeanors were included in the Amnesty Program. A Memorandum of Understanding between the County and Court is required in order to implement the Optional Amnesty Program.

Both the one-time Infraction and Optional Amnesty Programs do not result in the expungement of a case, but rather aids counties and courts in the collection of unpaid fines and fees. Furthermore, when debtors satisfy their delinquent debts, the courts are able to clear their warrant system and more importantly, law enforcement will not expend limited resources arresting offenders for low level Vehicle Code infractions and misdemeanors.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

Approval of the Optional Amnesty Program will allow the County and Court to collect fines and fees owed that have not been paid in the last three years and are therefore unlikely to be collected without an incentive like the one-time Infraction Amnesty Program.

CONCLUSION

Instruct the Executive Officer/Clerk of the Board to return two signed originals of the contract and one adopted Board letter to the CEO.

Respectfully submitted,



WILLIAM T. FUJIOKA
Chief Executive Officer



JOHN A. CLARKE
Executive Officer/Clerk
Superior Court of California,
County of Los Angeles

WTF:SW:PV:cc

Attachment

c: Executive Office, Board of Supervisors
County Counsel
Superior Court

MEMORANDUM OF UNDERSTANDING

State Traffic Amnesty Program of 2012

This Memorandum of Understanding (hereinafter "MOU") is made by and between the SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES (hereinafter "COURT") and the COUNTY OF LOS ANGELES (hereinafter "COUNTY"). The purpose of this agreement is to document the parties' understanding of the six-month State Amnesty Program.

WHEREAS, the State of California has mandated a one-time traffic amnesty program for all traffic and non-traffic infraction violations from January 1, 2012 through June 30, 2012 to accept in full satisfaction, 50 percent of the amount for fines or bail meeting eligibility requirements; and

WHEREAS, pursuant to Section 42008.7 of the Vehicle Code, the eligibility criteria for the Amnesty Program are: an infraction violation filed with the court; the due date for appearance or payment of bail or fine was on or before January 1, 2009; the defendant does not owe restitution to a victim within the county; the defendant has no outstanding warrants within the county; and

WHEREAS, pursuant to Section 42008.7(d) of the Vehicle Code, the COUNTY AND COURT may jointly agree to extend the amnesty program to fines and bail imposed for specified misdemeanor violations.

NOW THEREFORE, in consideration of the foregoing, COUNTY AND COURT do hereby mutually agree as follows:

1. To implement the six-month amnesty program pursuant to Section 42008.7 of the Vehicle Code.
2. To extend the amnesty program to fines and bail imposed for lower level misdemeanor violations of the Vehicle Code including but not limited to: 12500(a) unlicensed driver; 14601.1(a) driving on a suspended license; 21309(a) exhibition of speed (speed contest), et al.
3. To exclude the following Vehicle Code violations from the Amnesty Program: 23103 reckless driving; 23104 reckless driving with bodily injury; 23105 reckless driving with a prior conviction; 23152 driving under the influence; 23153 driving under the influence with bodily injury and all parking violations.

4. This MOU may be terminated only as to extending the amnesty program to lower level violations of the Vehicle Code as referenced above by either party upon a 60-day written notice.
5. In the performance of this MOU, COUNTY AND COURT shall each be responsible only for the acts and omissions of its own officers, employees, and agents, and shall indemnify and hold harmless each other for all liability relating thereto.

IN WITNESS THEREOF, the Superior Court of California, County of Los Angeles has caused the Memorandum of Understanding to be subscribed by its Executive Officer/Clerk, and the County of Los Angeles has caused this Memorandum of Understanding to be subscribed by its Chief Executive Officer.

Executed this _____ day of _____, 2011 at Los Angeles, California.

SUPERIOR COURT OF CALIFORNIA,
COUNTY OF LOS ANGELES

COUNTY OF LOS ANGELES




JOHN A. CLARKE
Executive Officer/Clerk



WILLIAM T. FUJIOKA
Chief Executive Officer

APPROVED AS TO FORM:



Court Counsel

County Counsel